

## REMARKS / ARGUMENTS

### **Double Patenting**

Claims 1 and 14 have been rejected, pursuant to 35 U.S.C. 101, on the basis of double patenting in view of claim 1 of prior U.S. Patent No. 6,333,602 (the "Prior Issued Claim").

Statutory double patenting requires that the prior patent claim be coextensive in scope. Pending claim 1 is **not** coextensive in scope with respect to the Prior Issued Claim.

The Prior Issued Claim is directed to "a light emitting device in combination with a light source". Pending claim 1 is directed to "a light source". Since subject matter may literally infringe claim 1 of the pending application, but not literally infringe the Issued Claim, statutory double patenting does not exist. See *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970). See also MPEP s.804.

Accordingly, the rejection of pending claim 1 based on double patenting is unfounded. The examiner is requested to withdraw the double patenting objection.

With respect to claim 14, claim 14 has been rewritten to include the limitations of claim 15, which the examiner has indicated would be allowable. Accordingly, it is submitted that claim 14 as amended is in condition for allowance, and the examiner is requested to withdraw the double patenting objection. It is also submitted that claims 16 and 17, which depend from claim 14 are also available.

Claims 11, 12 and 13 have been rejected on the basis of non-statutory double patenting in view of claims 1, 4 and 5, respectively, of prior U.S. Patent No. 6,333,602. As requested by the examiner, a terminal disclaimer is enclosed. It is submitted that claims 11 –13 are allowable.

### **Claim Rejections – 35 U.S.C. 102**

Claims 18, 19 and 21-23 have been rejected, pursuant to 35 U.S.C. 102(b), as being anticipated by U.S. Patent No. 4,760,609, issued to Tamagaki.

With respect to claim 18, the examiner has stated that Tamagaki discloses a "non-volatile light source data storage device integrated with the light generator, for storing operational parameters data correlated to the operational parameters of the light generator".

The applicant respectfully submits that Tamagaki teaches very different subject matter than that disclosed in the present application. Claim 18 has been amended to more clearly indicate that the claim is directed to a light source which continues to store sensed operational parameters even when power is not supplied to the storage device. This claimed structure is neither shown nor suggested in Tamagaki. *not in spec*

As well, it is submitted that contrary to the Examiner's assertion, Tamagaki does not disclose the CPU(17) as being integrated with the three fluorescent lamps, 6, 7 and 8 or any of them. There is no teaching in Tamagaki to suggest that the CPU(17) remains coupled to a fluorescent lamp 6, 7 or 8, when the fluorescent lamp 6,7 or 8 is removed from the reading apparatus. *Integrated? Gee*

As a result, it is submitted that the subject matter of claim 18 as amended and all claims dependent thereon (claims 19-23) are neither anticipated by nor obvious in view of Tamagaki.

Furthermore, with respect to claim 19, Tamagaki discloses that the CPU (17) is coupled to and controls the heaters (9 and 10) (see Fig. 7 and col. 3, Ins. 47-56) and fan (20) (see Fig. 6B and col. 6, Ins. 37-38), and correspondingly stores operational parameters data corresponding to the operation of the heaters as required by steps S4 and S10 of Figure 8 and the fan. Claim 19 requires the storage device to store operational parameters data associated only with said light generator, which is neither taught nor suggested in Tamagaki. It is submitted that claim 19 is neither anticipated nor obvious in view of Tamagaki and is allowable. *CCD sensor neither heater or fan would produce light received by the CCD sensor*

With respect to claim 21, Tamagaki does not show or suggest that the CPU (17) be mounted to any of the lamps (6, 7 or 8). Tamagaki merely shows an operational connection to the lamps (6, 7 and 8). There is no suggestion in Tamagaki that if one of the lamps (6, 7 or 8) is removed from the image reading apparatus, the CPU (17) will remain with the lamp. Accordingly, it is submitted that claim 21 is neither anticipated nor obvious in view of Tamagaki. *mounted to Gee*

With respect to claims 22 and 23, the examiner's assertion that the CPU (17) in Tamagaki is "inseparably integrated with" and "permanently affixed to" a lamp (6, 7 or 8) is merely fanciful supposition which is unfounded. As noted above, there is no suggestion in Tamagaki that if one of the lamps (6, 7 or 8) is removed from the image reading apparatus, the CPU (17) will remain with the lamp. It is submitted that claims 22 and 23 are neither anticipated nor obvious in view of Tamagaki and are allowable.

### Claim Rejections – 35 USC 103

Claims 1-10 and 20, as pending in the application, have been rejected, pursuant to 35 U.S.C. 103(a), as being unpatentable over Tamagaki.

With respect to claim 1, Tamagaki does not show or suggest that the CPU (17) is "permanently integrated with" one of the lamps (6, 7 or 8). As noted above, there is no suggestion in Tamagaki that if one of the lamps (6, 7 or 8) is removed from the image reading apparatus, the CPU (17) will remain with the lamp. In fact, the existence of a plurality of lamps (6, 7 and 8) and only one CPU (17) teaches the opposite, namely that the CPU (17) will not remain with a lamp (6, 7 or 8) if any one lamp is removed.

As indicated in the present application, the advantages of integrating the data storage device with the light generator include the fact that the operating history of the light generator remains with the specific light source. Thus, the light source is removed from a light emitting device, the stored operational parameters of that light source may be retrieved to confirm if the light source has performed in accordance with the manufacturer's specifications. As well, a user may be interested in knowing what the stored operational parameters of the light source are, which can be determined from the claimed light source even if the light source has been removed from a light emitting device.

None of the prior art references located by the Examiner are capable of providing these benefits. The claimed structure is a new structure which achieves these new advantages. With the prior art, if a light source is removed from the device, it is not possible to determine any operational parameters specific to that light source.

The noted advantages are neither taught nor suggested in the cited references. As a result, there would be no reason to modify Tamagaki to arrive at the subject matter of claim 1. The examiner's assertion that the invention of claim 1 is merely an obvious derivation of Tamagaki is unfounded. It is submitted that the subject matter of claim 1 as amended and all claims dependent thereon (claims 2-5), are neither anticipated by nor obvious in view of Tamagaki.

With respect to claim 2, the examiner has failed to consider the limitation that the storage device and the light generator are "mounted to the light source housing". There would be no reason to mount the storage device to the light source housing in absent the teaching of the current application. Accordingly, it is submitted that claim 2 is neither anticipated by nor obvious in view of Tamagaki, and is allowable. *unlikely or how?*

With respect to claim 6, Tamagaki fails to disclose a data storage device which is separate and separable from the CPU (17). In claim 6, the controller (comprises part of the light emitting device to which the data storage device may be releasably operatively coupled.) There is also no teaching or suggestion in Tamagaki that a data storage device remains "permanently mounted" to the light generator housing, as required by claim 6. Accordingly, it is submitted that the subject matter of claim 6 and all claims dependent thereon (claims 7-10), are neither anticipated by nor obvious in view of Tamagaki. *not in claim*

With respect to claim 20, as noted above, this claim depends from an allowable base claim, claim 18, and accordingly is allowable.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **"VERSION WITH MARKINGS TO SHOW CHANGES MADE"**.

It is submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

14. (Once Amended) A light emitting device in combination with a light source, the light source comprising:

- (a) a light generator;
- (b) a sensor for sensing operational parameters of the light generator;
- (c) a light source data storage device integrated with the light generator and operatively coupled to the sensor, for storing operational parameters data correlated to the operational parameters of the light generator; and
- (d) a light source connector adapted to operatively couple the light source to a light emitting device;

wherein the light emitting device comprises:

- (e) a device housing;
- (f) a socket adapted to releasably engage the light source connector, wherein the socket is mounted to the device housing;
- (g) a controller for retrieving the operational parameters data from the light source data storage device; wherein the controller is operatively coupled to the socket; ~~and~~
- (h) a power source mounted to the device housing and operatively coupled to the controller and to the socket; and
- (i) wherein the operational parameters comprise at least one type of data selected from the group of data correlated to: run-time and light generator temperature.

Please amend claim 18 as follows:

18. (Once Amended) A light source comprising:

- (a) a light generator; and
- (b) a non-volatile light source data storage device integrated with the light generator, ~~for storing~~ wherein the non-volatile data storage device is configured to store operational parameters data correlated to the sensed operational parameters of the light generator when power is not supplied to the storage device.

it is just  
"correlated"